

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,
Respondent/Plaintiff

v.

Miguel Angel Luna-Rugama,
Petitioner/Defendant

2:14-cr-00318-JAD-PAL-1

Order Directing Response

On August 12, 2016, petitioner Miguel Angel Luna-Rugama filed a § 2254 motion to vacate his 26-month sentence for illegal reentry, arguing that this sentence was illegally enhanced under USSG §2L1.2(b)(1)(C) and 18 USC § 16(B) in light of the United States Supreme Court's decision in *Johnson v. United States*,¹ in which the Court held that the ACCA's residual clause is unconstitutionally vague.² Rule 4 of the Rules Governing Section 2255 Cases in the United States District Courts directs me to promptly examine § 2255 motions and, unless it plainly appears that the movant is not entitled to relief, direct the government to file a response. Having reviewed the motion and the record in this case under this standard, I find that a response is warranted.

IT IS HEREBY ORDERED that **the government must file a response to Luna-Rugama's motion [ECF No. 25] by February 19, 2017.** Luna-Rugama will have 30 days from service of the government's response to file a reply.

Dated this 4th day of January, 2017.


Jennifer A. Dorsey
United States District Judge

¹ *Johnson v. United States*, 135 S. Ct. 2551 (2015).

² ECF No. 25.